



The Comptroller General
of the United States

Washington, D.C. 20548

Decision

Matter of: Instrument & Controls Service Company--Request for
Reconsideration
File: B-231934.2
Date: November 4, 1988

DIGEST

Request for reconsideration that essentially reiterates arguments which were considered and rejected does not warrant reversal or modification of our prior decision.

DECISION

Instrument & Controls Service Company (I&C) requests reconsideration of our decision, Instrument & Controls Service Co., B-231934, Oct. 12, 1988, 88-2 CPD ¶ , in which we denied its protest against the cancellation of invitation for bids (IFB) No. N62472-83-B-0015, issued by the Department of the Navy. The IFB sought the design and installation of an energy monitoring and control system at the Naval Air Engineering Center, Lakehurst, New Jersey.

The Navy cancelled the IFB after bid opening because the IFB specifications for hardware design and software development did not express its minimum needs, and the Navy planned to revise the specifications and resolicit for an "off-the-shelf," commercial system. I&C argued that cancellation was improper because the IFB, as issued, would satisfy the government's actual needs. We denied the protest because we found that the Navy's determination to change the solicitation requirements from a specially designed system to an "off-the-shelf," commercial system in order to meet its minimum needs provided a compelling reason for cancellation.

I&C, in its request for reconsideration, again argues that the propriety system which it offered would meet the government's actual needs. We deny the request for reconsideration.

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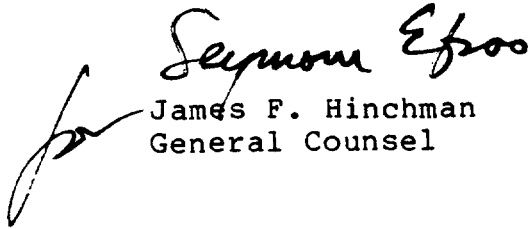
Our prior decision explained that although a contracting officer has broad discretion to cancel an IFB, there must be a compelling reason to do so after bid opening because of the potential adverse impact of cancellation on the competitive bidding system after bid prices have been exposed. Federal Acquisition Regulation § 14.404-1(a)(1) (FAC 84-5). However, as a general rule, the need to change requirements after bid opening to express properly the agency's minimum needs constitutes such a compelling reason. Aero-Executive Helicopters, B-227133, Aug. 17, 1987, 87-2 CPD ¶ 167. Our review is limited to considering the reasonableness of the contracting officer's discretion. Motorola, Inc., et al., B-221391.2, et al., May 20, 1986, 86-1 CPD ¶ 471.

I&C contends that its specially designed system would satisfy the Navy's actual needs and, therefore, cancellation was improper. However, this only reiterates an argument which I&C made in its earlier protest and which we discussed in our decision. The Navy stated that its actual needs are for a proven, tested system and that its needs could be met by an "off-the-shelf," commercial system. By selecting a commercial unit, with proven software, the Navy would avoid the risks associated with hardware and software development. I&C's offer to design a proprietary system for the Navy does not meet these needs because it places the risks of development and dependability on the Navy. Therefore, we found that the Navy acted reasonably in deciding to cancel the IFB on this basis.

The established standard for reconsideration is that the requesting party must show that our prior decision contains either errors of fact or law or information not previously considered that warrant its reversal or modification. See 4 C.F.R. § 21.12(a) (1988); I.T.S. Corp.--Request for Reconsideration, B-228919.2, Feb. 2, 1988, 88-1 CPD ¶ 101. Repetition of arguments made during the resolution of the original protest or mere disagreement with our decision does not meet this standard. Id.

Since I&C essentially is repeating its arguments and disagreeing with our decision, but has not made a showing that our decision contained errors of fact or law that warrant reconsideration, I&C has not provided a basis for us to reverse or modify our earlier decision.

The request for reconsideration is denied.

James F. Hinchman
General Counsel